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REMARKS

Claims 1-6 have each been amended to correct obvious typographical errors and redundancies. No new matter has been added thereby. New claims 7-12 have been added to claim certain embodiments with greater particularity.

Claims 1-6, i.e. all the claims now pending in the application, stand rejected under 35 U.S.C. § 102(e) as unpatentable over U.S. Patent 6,953,830 (Chou) and under 35 U.S.C. § 103(a) over Chou in view of U.S. Patent 4,778,866 (Shimada et al.). In addition, Claims 1-6 have been rejected under the judicially created doctrine of obviousness type double patenting.

Reconsideration of these rejections is requested for the reasons set forth below.

Claim Objections

The examiner has objected to Claims 1-6 because of informalities. Claims 1-6 have each been amended to correct an obvious typographical error by removing "(1)" from each of these claims. It is believed that this amendment corrects the informalities found to be objectionable. In addition, Claims 1-6 have been amended to correct obvious grammatical errors and redundancies. No new matter has been added.

Claim Rejections

35 U.S.C. § 102(e)

Claims 1-6 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Chou. Examined Claims 1-6 relate to certain articles comprising fluorine containing ethylene copolymers (FCEC) obtained by copolymerization of ethylene and certain fluorinated (meth)acrylate monomers wherein the fluorinated (meth)acrylate monomers are of the general formula $C_f-L-O-CO-CR=CH_2$, where L is a linking group selected from the group consisting of arylene, arylalkylene, sulfonyl, sulfoxy, sulfonamide, carboxyamino, carbonyloxy, urethanylene, and combinations thereof. The examiner notes that Chou discloses fluorine containing ethylene copolymers and that two specific FCEC species having sulfonamide groups in the linking group L are disclosed by Chou. Further, the examiner states that Chou discloses that such copolymers can be used to make various articles such as film, fiber, spun fiber, blend and composite articles.

Applicants have amended Claims 1-6. The present claims, as amended, do not encompass articles comprising an FCEC wherein the L linking group is a sulfonamide. Consequently, the disclosure of Chou does not anticipate amended Claims 1-6.

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Chou specifically discloses certain fluorinated (meth)acrylate polymers where the L linking group is either an aliphatic or a sulfonamide group (see examples and col. 3, lines 38-46 of Chou). Although other linking groups are mentioned at col. 3, lines 38-46, Chou does not specifically teach the use of such polymers to form the film, fiber, spun fiber, blend and composite articles of the present claims. Therefore, it is respectfully requested that the rejection under 35 U.S.C. § 102(e) based on Chou be withdrawn.

35 U.S.C. § 103(a)

Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimada et al. in view of Chou. The Chou patent has been cited as prior art under 35 U.S.C. § 102(e). The present application and the Chou patent were, at the time the invention of the present application was made, owned by E. I. du Pont de Nemours and Company (DuPont). DuPont is the assignee of both the present application and the Chou patent. Consequently, per MPEP 706.02(1)(2), the Chou patent is not qualified to be used as a reference in a rejection under 35 U.S.C. § 103(a) against the claims of the present application. Therefore, it is respectfully requested that the rejection under 35 U.S.C. § 103(a) based on the combination of Shimada et al. and Chou be withdrawn.

Further, the teaching of Shimada, et al. alone does not render the invention of the present claims obvious. Shimada et al. does not disclose the particular polymers of the present claims. That is, Shimada et al. does not teach fluorinated ethylene (meth)acrylate copolymers wherein the (meth)acrylate comonomer is of the general formula $C_6H_5-L-O-CO-CR=CH_2$, where L is a linking group selected from the group consisting of arylene, arylalkylene, sulfonyl, sulfoxy, carboxyamino, carbonyloxy, urethanylene, and combinations thereof. Such polymers are not contemplated by Shimada et al. nor does the reference provide motivation to substitute such linking groups for the aliphatic groups disclosed in the reference. There is no teaching or suggestion in Shimada et al. to use polymers having the linking groups found in the materials of the present invention to manufacture film, fiber, spun fiber, blend and composite articles. There is no teaching or suggestion in Shimada et al. to substitute polymers having the linking groups found in the materials of the present invention to manufacture any type of article. In short, Shimada does not teach or suggest the invention claimed in the present application. It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) based on Shimada et al. be withdrawn.

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Double Patenting

Claims 1-6 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-25 of the Chou patent. Both the present application and the Chou patent are assigned to E. I. du Pont de Nemours and Company. In order to expedite prosecution, Applicants assert that they will file an appropriate Terminal Disclaimer if the Examiner finds the amended claims to be allowable. The Terminal Disclaimer will disclaim the terminal part of the statutory term of the present application, thus obviating a double patenting rejection over the Chou patent.

Applicants believe the present claims describe patentable subject matter and withdrawal of the rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) is respectfully requested.

Respectfully submitted,



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Dated: February 23, 2006